



Food and
Nutrition
Service

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Date: December 6, 2019

Jeffrey Gaskell
Deputy Commissioner
Employment and Income Support Programs
New York Office of Temporary and Disability Assistance
40 North Pearl Street
Albany, New York 12243-0001

**Supplemental Nutrition Assistance Program (SNAP) – New York Request to Waive
Able-Bodied Adults Without Dependents Time Limit – Partial Approval**

Dear Mr. Gaskell:

This is in response to the New York State agency's September 6, 2019, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs) in 60 areas from January 1, 2020, through December 31, 2020. Although the State requested a 12-month waiver, the Food and Nutrition Service (FNS) is approving the waiver for 3 months due to new regulatory requirements governing the approval of ABAWD waiver requests at 7 CFR 273.24(f). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

FNS has finalized [regulations](#) that strengthen the standards by which areas can qualify for these waivers so that the statutory ABAWD work requirement is applied more broadly. All waivers must be approvable under the new regulatory standards by April 1, 2020. Therefore, if the State agency wishes to waive the SNAP time limit for ABAWDs in any areas beyond March 31, 2020, it must submit a new waiver request. FNS will evaluate any such requests under the new regulatory requirements at 7 CFR 273.24(f). Please contact your FNS Regional Office with any questions.

FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off-of the waiver when it expires and reintroduce the time limit.

Sincerely,

Miles Patrie

Miles Patrie
Acting Chief
Certification Policy Branch
Program Development Division

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 2150029
2. **Request Type:** Extension and modification
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** New York
6. **Food and Nutrition Service (FNS) Region:** Northeast
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.
8. **Requested Area(s) and Support:** The New York State agency requested to waive the ABAWD time limit in a total of 48 counties, five municipalities, and seven community districts from January 1, 2020, through December 31, 2020. The State agency has grouped 45 contiguous counties for consideration as a combined region. Three additional counties have been grouped for consideration as a second combined region, while the five municipalities are considered individually. The State grouped seven community districts into two combined areas. FNS is approving one grouping, and approving the remaining three districts independently.

The State agency supported its request based upon these areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of January 2017 through December 2018. During this time period the national average unemployment rate was 4.1 percent; 20 percent above that rate is 4.9 percent. As detailed in the tables below, the average unemployment rates for the requested areas reached or exceeded 4.9 percent during the selected time period.

Table 1: Combined Area 1 (Bureau of Labor Statistics Local Area Unemployment Data January 2017 through December 2018)

Counties
1. Allegany County
2. Broome County
3. Cattaraugus County
4. Cayuga County

Counties
5. Chautauqua County
6. Chemung County
7. Chenango County
8. Clinton County
9. Cortland County
10. Delaware County
11. Erie County
12. Essex County
13. Franklin County
14. Fulton County
15. Genesee County
16. Greene County
17. Hamilton County
18. Herkimer County
19. Jefferson County
20. Lewis County
21. Livingston County
22. Madison County
23. Monroe County
24. Montgomery County
25. Niagara County
26. Oneida County
27. Onondaga County
28. Ontario County
29. Orange County
30. Orleans County
31. Oswego County
32. Otsego County
33. St. Lawrence County
34. Schenectady County
35. Schoharie County
36. Schuyler County
37. Seneca County
38. Steuben County
39. Sullivan County
40. Tioga County
41. Warren County
42. Washington County
43. Wayne County
44. Wyoming County
45. Yates County
Combined Area Unemployment Rate: 4.9%
Data extracted from http://www.bls.gov on September 17, 2019

Table 2: Combined Area 2 (Bureau of Labor Statistics Local Area Unemployment Data January 2017 through December 2018)

County Group 2
1. Bronx County
2. Kings County
3. Richmond County
Combined Area Unemployment Rate: 4.9%
Data extracted from http://www.bls.gov on September 17, 2019

Table 3: Individual Municipalities (Bureau of Labor Statistics Local Area Unemployment Data January 2017 through December 2018)

Individual Municipalities	Unemployment Rate
1. Haverstraw town	5.1%
2. Mount Vernon city	5.6%
3. Poughkeepsie city	5.0%
4. Troy city	5.2%
5. Yonkers city	4.9%
Data extracted from http://www.bls.gov on September 17, 2019.	

The State has estimated the unemployment rate for the community districts using data from the Census Bureau's American Community Survey (ACS) estimate in combination with Bureau of Labor Statistics data for New York County for the 24-month period of January 2017 through December 2018. Similar to the State's current waiver, New York has requested community districts in targeted economic areas where there is a lack of sufficient jobs. Manhattan Community Districts 9, 10, 11, and 12 comprise the Federally designated Upper Manhattan Empowerment Zone, an area that receives Federal, State, and City funding for economic development due to its status as an economically distressed area. Similarly, Queens Community Districts 10, 12, and 14 are targeted economic areas in which the ACS data is the best available data.

Table 4: Combined Area 3 (Bureau of Labor Statistics Local Area Unemployment Data January 2017 through December 2018)

Community Districts
1. District 9, Manhattan
2. District 10, Manhattan
3. District 11, Manhattan
4. District 12, Manhattan
Combined Area Unemployment Rate: 6.3%
Data extracted from http://www.bls.gov and http://factfinder.census.gov on September 17, 2019

Table 5: Individual Community Districts (Bureau of Labor Statistics Local Area Unemployment Data January 2017 through December 2018)

Community Districts	Unemployment Rate
1. District 10, Queens	6.0%
2. District 12, Queens	5.0%
3. District 14, Queens	5.0%
Data extracted from http://www.bls.gov and http://factfinder.census.gov on September 17, 2019.	

- 9. FNS Action and Justification:** FNS is approving the State agency to waive the ABAWD time limit in the approved areas for 3 months. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 10. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 11. Implementation Date:** January 1, 2020
- 12. Expiration Date:** March 31, 2020
- 13. Information Required for Amendment or Extension:** To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 14. State Agency Contact Information:**
 Name: Stephanie Boshart
 Phone Number: (518) 486-3151
 Email: Stephanie.Boshart@otda.ny.gov
- 15. FNS Regional Office Contact Information:**
 Name: Kevin Pasquaretta
 Phone Number: (617) 565-5402
 Email: Kevin.Pasquaretta@usda.gov